

Craig Tadlock

From: James Draughn [jdraughn@kirkland.com]
Sent: Monday, October 08, 2007 5:12 PM
To: Craig Tadlock
Cc: 'Barbara Wohlrabe'; 'David Elrod'; 'Mark McKane'; Patrick Bryan
Subject: Re: GTN/PNGTS v Calpine - Scheduling issues

Craig,

It was good talking to you and David last week. We agree that the hearing on 10/24 would address the issue of bifurcation. At that time, we will ask the Court to decide which issues will be heard on 11/14. As you know, under our proposed bifurcation, we believe that the reservation rate and discount rate issues should be heard on 11/14 and that the issue of mitigation should be deferred until after the confirmation hearing. We understand that you disagree and think that all issues should be heard at the same time.

We agree that your response on the issue of bifurcation is due on 10/10, but that your response on the merits of our objection can be deferred until 10/31. We do not agree to defer the hearing on the reservation rate and discount rate issues beyond the 11/14 hearing date.

Best regards, and look forward to working with you to resolve these issues.

James W. Draughn, Jr., P.C.
 Kirkland & Ellis LLP
 655 15th Street, NW
 Suite 1200
 Washington, DC 20005
 (202) 879-5095 (P)
 (202) 879-5200 (F)
 jdraughn@kirkland.com

"Craig Tadlock" <ctadlock@elrodttrial.com>

10/05/2007 03:26 PM

To "Mark McKane" <MMcKane@kirkland.com>, <jdraughn@kirkland.com>
 cc "David Elrod" <delrod@elrodttrial.com>, "Barbara Wohlrabe"
 <bwohlrabe@elrodttrial.com>
 Subject GTN/PNGTS v Calpine - Scheduling issues

Mark & Jim:

Many thanks for speaking with David and me about the GTN/PNGTS claim issues.

I wanted to follow up to try to clarify some issues about the schedule you proposed on our call.

You discussed having the hearing solely on whether bifurcation is appropriate on 10/24, and pushing the hearing on the substance of the objection to 11/14 (on whatever matters the court determines should be heard at that time). I'm assuming that the response date on the issue of whether bifurcation is appropriate would remain on 10/10. Although we didn't discuss it, I presume that the response date on the substance of the objection would be pushed as well – perhaps to 10/31? Is that right, in terms of what you are proposing?

Of course, it's still our position that all of the claims objection issues should be heard together, and that we should do that

11/16/2007

prior to the confirmation hearing. We can do that on 11/14, or at time shortly thereafter but prior to confirmation, perhaps in early December. What are your thoughts?

Best,
Craig

Craig Tadlock
Elrod, PLLC
trial attorneys
500 N. Akard St., Suite 3000
Dallas, Texas 75201
214-855-5188 (phone)
214-855-5183 (fax)
ctadlock@elrodotrial.com
www.elrodotrial.com

The preceding e-mail message (including any attachments) contains information that may be confidential, be protected by the attorney-client, or other applicable privileges, or constitute non-public information. The information contained in this e-mail is intended only for the use of the individual or entity named above. If you are not the intended recipient of this message or the employee or agent responsible to deliver this e-mail to the intended recipient, please notify the sender by replying to this message and then delete it from your system. Any use, dissemination, distribution, or reproduction of this message by unintended recipients is strictly prohibited and may be unlawful.

Craig Tadlock

From: James Draughn [jdraughn@kirkland.com]
Sent: Saturday, October 20, 2007 5:35 PM
To: Craig Tadlock; Mark McKane
Cc: David Elrod; 'Barbara Wohlrabe'; Patrick Bryan
Subject: Re: GTN v Calpine - Debtors' Limited Objection to Certain GTN Claims

Craig,

Our understanding is that the bifurcation issue will be heard on October 24, not the merits of the Limited Objection. Our position is that the discount rate and reservation rate issues should be heard on November 14, and mitigation should be bifurcated and deferred. I believe your October 10 opposition brief stated that the bifurcation issue would be addressed on October 24 and the merits no earlier than November 14. If you would like us to file a notice indicating that the issue at the October 24 hearing is bifurcation, not the merits, we can do that. Jim

----- Original Message -----

From: "Craig Tadlock" [ctadlock@elrodttrial.com]
Sent: 10/20/2007 05:22 PM EST
To: Mark McKane; James Draughn
Cc: "David Elrod" <delrod@elrodttrial.com>; "Barbara Wohlrabe" <bwohlrabe@elrodttrial.com>
Subject: GTN v Calpine - Debtors' Limited Objection to Certain GTN Claims

Mark & Jim:

The Debtors' Limited Objection to GTN's claims against CPN Energy Services, LP (Claim No. 5912), Calpine Energy Services Holdings, Inc. (Claim No. 5927), CPN Energy Services GP, Inc. (Claim No. 5928) and Calpine Power Company (Claim No. 5929) was previously adjourned to October 24.

We assume that the Debtors will voluntarily adjourn the October 24 hearing as has been done previously. If not, please let me know right away.

If for some reason the Debtors believe this hearing is going forward, we will expect production tomorrow of all of the documents responsive to our requests.

Thanks,
Craig

Craig Tadlock
 ELROD, PLLC
 TRIAL ATTORNEYS
 500 N. Akard St., Suite 3000
 Dallas, Texas 75201
 214-855-5188 (phone)
 214-855-5183 (fax)
ctadlock@elrodttrial.com
www.elrodttrial.com

The preceding e-mail message (including any attachments) contains information that may be confidential, be protected by the attorney-client, or other applicable privileges, or constitute non-public information. The information contained in this e-mail is intended only for the use of the individual or entity named above. If you

are not the intended recipient of this message or the employee or agent responsible to deliver this e-mail to the intended recipient, please notify the sender by replying to this message and then delete it from your system. Any use, dissemination, distribution, or reproduction of this message by unintended recipients is strictly prohibited and may be unlawful.

The information contained in this communication is confidential, may be attorney-client privileged, may constitute inside information, and is intended only for the use of the addressee. It is the property of Kirkland & Ellis LLP or Kirkland & Ellis International LLP. Unauthorized use, disclosure or copying of this communication or any part thereof is strictly prohibited and may be unlawful. If you have received this communication in error, please notify us immediately by return e-mail or by e-mail to postmaster@kirkland.com, and destroy this communication and all copies thereof, including all attachments.
